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16 **UNITED STATES DISTRICT COURT**  
17 **NORTHERN DISTRICT OF CALIFORNIA**

18  
19  
20 CHUCK MacCONNACH and WALTER  
21 SCHMIDT, individually, and on behalf of all  
others similarly situated,

22 Plaintiffs,

23 v.

24 FIRST FRANKLIN FINANCIAL  
25 CORPORATION, and MERRILL LYNCH &  
CO., INC., GLOBAL MARKETS AND  
INVESTMENT BANKING GROUP,

26 Defendants.  
27  
28

Case No. 3:08-cv-04154 CRB

**STIPULATION AND**  
**~~[PROPOSED]~~ ORDER**  
**CONTINUING FINAL**  
**APPROVAL HEARING DATE**

1 WHEREAS, the date for the final approval hearing in this matter is currently set  
2 for October 16, 2009;

3  
4 WHEREAS, the parties must provide notice to the class of the settlement, receive  
5 responses from the class to the notice, and submit final approval papers to the court before the  
6 final approval hearing; and

7  
8 WHEREAS, the parties have determined that the October 16, 2009, hearing date  
9 would not provide sufficient time to complete these activities, and in particular would not give the  
10 class a full 45 days to respond to the notice of class settlement as provided in the settlement  
11 agreement;

12  
13 NOW, THEREFORE,

14  
15 IT IS HEREBY STIPULATED by and among the parties hereto, through their  
16 respective counsel of record, as follows:

- 17 1. The date of the final approval hearing shall be continued from October 16, 2009,  
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19  
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1 to November 13, 2009, to allow the class sufficient time to respond to the notice of class  
2 settlement and to give the parties adequate time to submit their final approval papers to the court.

3 DATED: August 25, 2009

By: /s/

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Attorneys for Defendants  
First Franklin Financial Corporation and  
Merrill Lynch & Co., Inc., as named and as  
erroneously sued as Global Markets and  
Investment Banking Group

12 DATED: August 25, 2009

By: /s/

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Attorneys for Plaintiffs

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED,

26 Dated: August 28, 2009

United States

